

A bill for an act

relating to public safety; clarifying law on inattentive driving and failure to exercise due care; providing for enhanced criminal penalties for certain traffic violations that result in personal injury or property damage; requiring commissioner of public safety to include information on inattentive driving in driver's manual; requiring distribution of traffic law summary to peace officers; amending Minnesota Statutes 2008, sections 169.89, by adding subdivisions; 171.13, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[169.135] INATTENTIVE DRIVING; FAILURE TO EXERCISE REASONABLE CARE.**

Subdivision 1. Violation. No person may operate or halt a motor vehicle upon a highway inattentively, imprudently in light of circumstances then existing, or without exercising reasonable care for the rights of others or the safety of persons or property.

Subd. 2. Driver education curriculum. The class D driver education curriculum must include instruction on a driver's duty to comply with subdivision 1 and on the penalties for violation of subdivision 1, including possible enhancement to a misdemeanor, gross misdemeanor, or felony under section 169.89.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to conduct that occurs on or after that date.

Sec. 2. Minnesota Statutes 2008, section 169.89, is amended by adding a subdivision to read:

Subd. 1a. Traffic penalty enhancement; gross misdemeanor. Unless a greater penalty is specified elsewhere in law, a person who in a negligent manner commits a

violation of this chapter that causes substantial bodily harm, as defined in section 609.02, subdivision 7a, to a person other than the driver or damage to property, other than the driver's property, in an amount of more than \$1,000 but less than \$5,000, is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2008, section 169.89, is amended by adding a subdivision to read:

Subd. 1b. **Traffic penalty enhancement; felony.** Unless a greater penalty is specified elsewhere in law, a person who in a negligent manner commits a violation of this chapter that causes great bodily harm, as defined in section 609.02, subdivision 8, or death to a person other than the driver or damage to property, other than the driver's property, in an amount of \$5,000 or more, is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2008, section 171.13, is amended by adding a subdivision to read:

Subd. 1k. **Inattentive driving; failure to exercise reasonable care.** The commissioner shall include in each edition of the driver's manual a section that explains laws concerning inattentive driving and failure of a driver to exercise reasonable care and drive prudently in light of circumstances, as well as an explanation of penalties and possible enhanced penalties under section 169.89.

EFFECTIVE DATE. This section is effective August 1, 2009.

Sec. 5. **POST BOARD TO COMPILE AND DISTRIBUTE TRAFFIC LAW SUMMARY.**

(a) By October 15, 2009, the executive director of the Peace Officer Standards and Training Board shall send a written summary of the statutory changes made in Minnesota Statutes, sections 169.135; 169.89, subdivisions 1a and 1b; and 171.13, subdivision 1k, to every chief law enforcement officer in the state. In addition, the summary must address current penalty enhancement provisions related to traffic laws, including Minnesota

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3.1 Statutes, sections 169.89, subdivision 1, and 609.21, and address and seek to maximize a
3.2 more consistent use and interpretation of Minnesota Statutes, section 169.13.

3.3 (b) Chief law enforcement officers receiving the summary described in paragraph
3.4 (a) shall ensure that peace officers under their command who have traffic enforcement
3.5 duties are familiar with its contents.

3.6 (c) To the extent practical when compiling the summary described in paragraph (a),
3.7 the executive director shall consult with peace officers, prosecutors, judges, and other
3.8 practitioners familiar with traffic and criminal laws.

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment.